

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

SHANNON LEWANDOWSKI,

Plaintiff,

vs. Case No. 16 CV 1089

CITY OF MILWAUKEE,

Defendant.

The deposition of MARYNELL REGAN was taken at the instance of the Plaintiff, pursuant to the Federal Rules of Civil Procedure, at 1001 West Glen Oaks Lane, Mequon, Wisconsin, on the 17th day of January, 2019, commencing at 10:00 a.m., before BETH ZIMMERMANN, Registered Professional Reporter and Notary Public in and for the State of Wisconsin.

APPEARANCES:

HEINS EMPLOYMENT LAW PRACTICE, LLC, by Janet L. Heins, Attorney at Law, 1001 W. Glen Oaks Lane, Suite 103, Mequon, WI 53092, appearing on behalf of the Plaintiff.

RETTKO LAW OFFICES, S.C., by William R. Rettko, Attorney at Law, 15460 W. Capitol Drive, Suite 150, Brookfield, WI 53005, appearing on behalf of MaryNell Regan.

ROBIN PEDERSON, Assistant City Attorney, Frank P. Zeidler Municipal Building, 841 North Broadway, 7th Floor Milwaukee, WI 53202-3653, appearing on behalf of the Defendant.

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Page 2			Page 4		
1	EXHIBIT INDEX		1	Q	And what was your position there?
2			2	A	I held a couple.
3	Ex. No.	Description Page	3	Q	What two or more positions did you hold?
4	1	Organizational Chart 5	4	A	I held assistant city attorney, and then I was
5	2	3/1/16 Discrimination Complaint 18	5		executive director of the Fire & Police
6	3	8/10/16 Findings of Fact 23	6		Commission.
7	4	3/7/16 E-Mail and Letter Re: Complaint 19	7	Q	And the Fire & Police Commission was the most
8	5	11/12/15 MPD Memo/Complaint Re: Misconduct in Office 20	8		recent position you held, right?
9	6	12/8/15 MPD Memo/Complaint Re: Misconduct/Discrimination in Office 28	9	A	Correct.
10	7	3/7/18 Journal/Sentinel Article 74	10	Q	Of the two?
11	8	2/13/18 Journal/Sentinel Article 74	11	A	Correct.
12	9	Resignation Letter 80	12	Q	And how long were you in that job?
13	(ORIGINAL EXHIBITS ATTACHED. COPIES PROVIDED TO COUNSEL.)		13	A	From September 2nd, 2015, to April 23rd, 2018.
14	EXAMINATION INDEX		14		I said '15, right? '15 to '18.
15		Page	15	Q	And how long were you an assistant city
16	BY MS. HEINS	3	16		attorney?
17	REQUESTED DOCUMENTS		17	A	15 years.
18	(NO REQUESTS MADE)		18	Q	And just for purposes of disclosure, you and I
19			19		had several cases against each other when you
20			20		were assistant city attorney, right?
21			21	A	Yeah. I wouldn't say "against each other,"
22			22		but yes, we had --
23			23	Q	You represented the city and I represented
24			24		plaintiffs suing the city?
25	HALMA REPORTING GROUP, INC. - 414-271-4466		25	A	Correct.

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1	(Deposition Exhibits 1-9 marked for		1	Q	Right. Not against each other. I've marked
2	identification)		2		as Exhibit 1 to your deposition, which I will
3	MARYNELL REGAN being first duly		3		show you -- This is an organizational chart of
4	sworn on oath to tell the truth, the whole		4		the Milwaukee Police Department. At the top
5	truth, and nothing but the truth, was examined		5		it indicates it's effective May 24th, 2015.
6	and testified as follows:		6		Do you see that?
7	EXAMINATION BY MS. HEINS:		7	A	I do.
8	Q	Good morning, Ms. Regan. Could you give us	8	Q	So this chart would have been prepared a few
9		your name and spell it for the record, please?	9		months before you came on as executive
10	A	First name is MaryNell, M-A-R-Y-N-E-L-L, last	10		director of the Fire & Police Commission,
11		name Regan, R-E-G-A-N.	11		correct?
12	Q	Thank you. Are you currently employed?	12	A	Yeah, about five months.
13	A	Yes.	13	Q	At the time you became the executive director,
14	Q	Where do you work?	14		is this approximately the correct org chart of
15	A	I work for the County of Milwaukee.	15		the Milwaukee Police Department, at least in
16	Q	And what is your position with them?	16		the top three lines or so?
17	A	I'm assistant corporation counsel.	17	A	It appears so.
18	Q	And when did you start working for them?	18	Q	I'm not really interested in which bureaus and
19	A	October of 2018.	19		which parts of them were in that, I'm just
20	Q	Had you ever been in that position before?	20		talking about the very top. So to go back a
21	A	No.	21		little bit for people who don't know this.
22	Q	Prior to becoming assistant corporation	22		The Milwaukee Police Department and other
23		counsel, where were you employed?	23		police departments in Wisconsin are actually
24	A	Previous to that I was employed at the City of	24		under civilian control in the state, correct?
25		Milwaukee.	25	A	Oversight, yes.

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1 Q Oversight. I'm sorry. And so on this org
2 chart, even though the chief of police is on
3 here, he is considered under the oversight of
4 the Fire & Police Commission in Milwaukee,
5 right?
6 **A Correct.**
7 Q And in terms of this org chart, are there any
8 boxes above Fire & Police Commission that are
9 missing, or is the commission itself the top
10 entity in charge of the police department?
11 **A The entity itself.**
12 Q And you were executive director of the Fire &
13 Police Commission for a period of time?
14 **A Correct.**
15 Q Was there anyone at the Fire & Police
16 Commission above your rank?
17 **A I would say the board was above my rank.**
18 Q So the Fire & Police Commission itself?
19 **A Correct. And the mayor.**
20 Q And the mayor?
21 **A Was above me.**
22 Q Was above you. All right. So were you
23 considered to be reporting directly to the
24 mayor?
25 **A No. I was considered to be a cabinet member**

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1 **per statute. And while I did advise the**
2 **mayor's office, I was -- I did not necessarily**
3 **take direction from the mayor. I briefed them**
4 **frequently, the office.**
5 Q So in terms of -- Did you have what ordinarily
6 would be considered a direct supervisor in
7 your position as executive director?
8 **A Well, I mean, I sat at the pleasure of the**
9 **mayor, so presumably the mayor's office would**
10 **be my direct supervisor.**
11 Q And so were there any other directors or any
12 other administration over the Fire & Police
13 Commission itself besides you?
14 **A No.**
15 Q Did you have a staff as executive director?
16 **A Yes.**
17 Q And what did your staff consist of, what types
18 of positions?
19 **A I had two administrative specialists, a**
20 **paralegal, research policy analyst, director**
21 **of homeland security, an emergency**
22 **communications director, an operations manager**
23 **who also took care of community relations, I**
24 **had four persons on testing staff that waxed**
25 **and waned. At times it went down to two, at**

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1 **times it was up at four. I had a recruiter**
2 **and two investigators.**
3 Q And the testing staff, were they in charge of
4 administering various testing to police
5 officer candidates?
6 **A Correct.**
7 Q And the investigators, what would their jobs
8 ordinarily consist of, just in broad terms?
9 **A In broad terms they investigated citizen**
10 **complaints, audited IAD files, Internal**
11 **Affairs Division, and other duties as**
12 **assigned.**
13 Q Did they ever perform background checks on
14 candidates for the police department?
15 **A No.**
16 Q That was some other function within the
17 department?
18 **A Yes.**
19 Q I believe you mentioned one of the people on
20 your staff was a policy analyst?
21 **A Correct.**
22 Q Were you a policymaking position for the
23 Fire & Police Commission and the Milwaukee
24 Police Department?
25 **A Me myself?**

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1 Q As executive director?
2 **A No.**
3 Q Who is considered to be the final policymaker
4 for the Milwaukee Police Department?
5 **A The board.**
6 Q The Fire & Police Commission?
7 **A Yes.**
8 Q And just in general terms, can you describe
9 how they make or change policies for the
10 Milwaukee Police Department?
11 **A As part of their oversight function and as**
12 **stated in statute, they handle all of the**
13 **reviews of SOP, standard operating procedures,**
14 **and policies, including after factfinding**
15 **hearing if they disagree with the chief on an**
16 **issue, they may issue a directive.**
17 **They also have hiring and firing**
18 **authority, and they also have authority to**
19 **review appeals of citizens' complaints.**
20 Q As part of their work setting policies for the
21 Milwaukee Police Department, what is your role
22 in any of that as executive director?
23 **A My role was more secretary to the board,**
24 **administrator. I worked very closely with the**
25 **chair to set the agendas, to act as executive**

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1 **secretary at the meetings, liaison with Common**
2 **Council and the mayor's office and to keep the**
3 **commissioners informed about matters that were**
4 **coming before them for the regular board**
5 **meetings.**
6 Q And so if I understand your answer, that also
7 means that the mayor himself would be
8 considered a policymaker for the police
9 department, right?
10 A **I don't really draw that connection, no.**
11 Q So in your mind, the only policymaker for the
12 police department is the Fire & Police
13 Commission?
14 A **And the chief.**
15 Q And the chief of police?
16 A **Correct.**
17 Q And so as executive director of the
18 commission, was it your role to assist the
19 commission in carrying out policies or to
20 oversee some aspect of that?
21 A **I would say I was more staff. They would tell**
22 **me what they wanted to see. I would get it to**
23 **them. We would talk about it if they had any**
24 **questions.**
25 Q What did you do in your role that you

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1 described as liaison with the mayor's office
2 and with the Milwaukee Common Council?
3 A **Liaise the board members' communications with**
4 **both entities.**
5 Q About what?
6 A **About budget, about problems alderpersons were**
7 **having with command staff, MPD or the fire**
8 **department. Tricky issues, like, for example**
9 **immigration policies or other issues that were**
10 **highlighted in the press and, you know, needed**
11 **to do some answering of what the core mission**
12 **of the FPC was.**
13 **A lot of times the commissioners wanted**
14 **to speak directly with aldermen and usually**
15 **wanted me to come, so things of that nature.**
16 Q And how many -- Well, the Fire & Police
17 Commission itself, you mentioned "statute."
18 Which statute are you referring to under state
19 law that governs the Fire & Police Commission?
20 A **62.50.**
21 Q And that statute, is that one that pertains
22 only to the City of Milwaukee?
23 A **Yes.**
24 Q Because the rest of the state is 62.13, right?
25 A **I think there is some other versions for towns**

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1 **and villages.**
2 Q Right. You mentioned that one of the things
3 that you worked with sometimes was handling
4 complaints to the Fire & Police Commission?
5 A **Correct.**
6 Q Where in terms of what types of complaints
7 could come in that you would have to deal
8 with? Who would file such a complaint?
9 A **We have a robust citizen complaint process, so**
10 **it would be not just a citizen, but residents**
11 **of the City of Milwaukee or visitors to the**
12 **City of Milwaukee that wanted to highlight or**
13 **bring to the attention of the office issues of**
14 **disrespect or concerns about procedure. It**
15 **ranged from a car being towed to, you know,**
16 **undue use of force.**
17 Q And so those complaints would concern
18 something that either the fire department or
19 the police department did?
20 A **Correct.**
21 Q Was there also an appeal process that members
22 of the fire and police department had to
23 appeal any discipline that had been assessed
24 against them by their chiefs?
25 A **Yes.**

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1 Q And that process is also governed by statute,
2 correct?
3 A **Correct.**
4 Q Aside from the citizen complaints and the
5 department member complaints, were there any
6 other types of complaints that you helped
7 oversee at the Fire & Police Commission?
8 A **When the city would be sued, I would help**
9 **counsel, work with the city attorney.**
10 Q And that would be to the extent that it was
11 involving the Fire & Police Commission?
12 A **Perhaps. Or perhaps it was just involving the**
13 **police department.**
14 Q In your role as executive director of the
15 Fire & Police Commission, did you ever provide
16 advice to either Robin Pederson or any other
17 city attorney regarding this case in
18 particular, Lewandowski versus City of
19 Milwaukee?
20 A **No.**
21 Q Have you ever spoken to Attorney Pederson
22 about this case, Lewandowski?
23 A **I believe I did right after it was filed.**
24 Q And did that concern your official duties as
25 executive director? Was it in that capacity?

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1 **A I suppose, yes.**
2 Q What did you talk with him about?
3 MR. RETTKO: To the extent it's
4 attorney/client privilege, I've got to object.
5 BY MS. HEINS:
6 Q I understand. I'm not asking you to reveal
7 any attorney/client privilege. I'm just
8 speaking more generally.
9 **A It was regarding facts.**
10 Q And in some measure of the response, that
11 would be to the lawsuit, I presume?
12 **A I don't know.**
13 Q What happened? I mean in the case.
14 **A It was more timing. He was asking about**
15 **timing.**
16 Q And then you mentioned prior to becoming
17 executive director of the Fire & Police
18 Commission you were an assistant city attorney
19 for the City of Milwaukee?
20 **A Correct.**
21 Q Was there any other rank or position or title
22 that you held during that period?
23 **A Only if I was deemed the acting deputy when**
24 **supervisors were out of the office.**
25 Q And so before you became an assistant city

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1 attorney, were you in private practice?
2 **A Yes.**
3 Q And you are, in fact, a licensed attorney in
4 Wisconsin, correct?
5 **A Correct.**
6 Q And what firms did you practice with, if any?
7 **A I practiced with Crivello Carlson Mentkowski**
8 **Steeves, and I practiced with Wessels &**
9 **Pautsch.**
10 Q And were there any specific practice areas
11 that you were involved in at those firms?
12 **A At those firms I did employment, municipal**
13 **law. I did some insurance defense, insurance**
14 **coverage disputes.**
15 Q And I believe somewhere in some background
16 information, upon your appointment to the
17 Fire & Police Commission, I read something
18 about your involvement with the ACLU in some
19 manner. Were you working with them or --
20 **A Right. When I was in law school, I was a**
21 **clerk for -- It was an insurance redlining**
22 **fund. It was a cooperative between the NAACP**
23 **Legal Defense Fund out of New York and the**
24 **local chapter of ACLU in Milwaukee, and so I**
25 **was employed by the litigation fund.**

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1 Q And was that concerning the American Family
2 redlining insurance case here in Milwaukee?
3 **A Yes.**
4 Q Now, you understand that we're here today in
5 the case of Shannon Lewandowski versus the
6 City of Milwaukee, and particularly the police
7 department, right?
8 **A I understand the City of Milwaukee, yes.**
9 Q Have you seen the Complaint in this case?
10 **A I have.**
11 Q Have you seen any of the other pleadings in
12 the case?
13 **A I glanced at a recent motion to extend**
14 **discovery that was filed.**
15 Q Did you assist in any way in preparing any of
16 the documents that were involved in the Equal
17 Rights Division aspect of this case before it
18 went to Federal Court?
19 **A No.**
20 Q Have you ever seen any of those?
21 **A No.**
22 Q What, if anything, did you do to prepare for
23 your deposition today?
24 **A I read the Complaint. I read the last**
25 **filings, which were the request for extension.**

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1 **I spoke with my counsel. That's it.**
2 Q So we're here today in a lawsuit regarding
3 Shannon Lewandowski, and at her termination at
4 the end of 2015 she was a detective with the
5 Milwaukee Police Department. You recognize
6 that from reading the Complaint, correct?
7 **A Correct.**
8 Q And while she was still employed with the
9 department in the year 2015, she brought you
10 some complaints that she was making against
11 the police department, correct?
12 **A Correct.**
13 Q Do you recall how many?
14 **A I believe there were two.**
15 Q Did you also see any of the complaints that
16 she filed with Police Chief Ed Flynn?
17 **A No.**
18 Q Were you aware that she had filed complaints
19 with Ed Flynn?
20 **A No.**
21 Q What did you do with the complaints that she
22 filed with you?
23 **A So she filed complaints with the Fire & Police**
24 **Commission, not necessarily me. I think she**
25 **dropped them off at our front desk or**

<p style="text-align: right;">Page 18</p> <p>1 something. I was new to the position, so I</p> <p>2 surveyed my investigators and realized that</p> <p>3 they really didn't have experience to</p> <p>4 investigate an EEO personnel claim, and</p> <p>5 normally that would be investigated by IAD,</p> <p>6 that it was a citizen complaint against</p> <p>7 actions of the police department.</p> <p>8 Nonetheless, I thought, "I'm the new</p> <p>9 director. I can set the new procedures," so I</p> <p>10 accepted it. But because I didn't have the</p> <p>11 staff to do it, I farmed it out to an outside</p> <p>12 investigator.</p> <p>13 Q So I will have you take a look at what I've</p> <p>14 marked as Exhibit 2. And if you go to the</p> <p>15 very last three pages of Exhibit 2, there is a</p> <p>16 three-page memo to the Fire & Police</p> <p>17 Commission from Ms. Lewandowski. Do you see</p> <p>18 that?</p> <p>19 A Um-hum. Yes.</p> <p>20 Q And at the top there are some "Received"</p> <p>21 stamps indicating that the commission received</p> <p>22 it on October 14, 2015, correct?</p> <p>23 A Correct.</p> <p>24 Q Is this one of the complaints that came into</p> <p>25 your office from Ms. Lewandowski that you just</p>	<p style="text-align: right;">Page 20</p> <p>1 A Yes.</p> <p>2 Q The first page?</p> <p>3 A Yes.</p> <p>4 Q And were you disseminating the report that's</p> <p>5 indicated in Exhibit 2 to your deposition?</p> <p>6 A Yes.</p> <p>7 Q And then the second page of Exhibit 4, that's</p> <p>8 your letter to Ms. Lewandowski providing her</p> <p>9 with a copy of the investigation report?</p> <p>10 A Yes.</p> <p>11 Q And both pages of Exhibit 4 to your deposition</p> <p>12 indicate that you had reviewed the report and</p> <p>13 concur with its findings?</p> <p>14 A Yes, it does. Yes.</p> <p>15 Q And so was that the end of this particular</p> <p>16 complaint that Ms. Lewandowski filed, or were</p> <p>17 there additional follow-ups of some type?</p> <p>18 A I believe she did not file an appeal, so I</p> <p>19 believe it was the end of it.</p> <p>20 Q A little out of order one more time. I'll</p> <p>21 have you take a look at what we marked as</p> <p>22 Exhibit 5 to your deposition. Is this another</p> <p>23 one of the complaints Ms. Lewandowski filed</p> <p>24 with the Fire & Police Commission while you</p> <p>25 were there?</p>
<p style="text-align: right;">Page 19</p> <p>1 described?</p> <p>2 A It might be. I think there was -- Without</p> <p>3 looking at the other ones, I don't know. But</p> <p>4 yes, I would assume so.</p> <p>5 Q And then the rest of Exhibit 2, is that a</p> <p>6 report by an attorney for the firm that you</p> <p>7 hired to do the investigation?</p> <p>8 A Correct.</p> <p>9 Q And there is some handwriting on this</p> <p>10 document -- I'm not going to ask you about</p> <p>11 that because that's Ms. Lewandowski's -- but</p> <p>12 aside from that handwriting, is this the</p> <p>13 report that you received back from Attorney</p> <p>14 Pepelnjak after you asked the firm to</p> <p>15 investigate Ms. Lewandowski's complaint?</p> <p>16 A Yes. I believe there were some exhibits, as</p> <p>17 well.</p> <p>18 Q And I believe they are referenced in the</p> <p>19 investigation itself. Just for purposes of</p> <p>20 brevity, I just included the Complaint itself</p> <p>21 and the report.</p> <p>22 Now, I'm going to skip over a little bit</p> <p>23 here and ask you to take a look at Exhibit 4.</p> <p>24 Is this an e-mail that you sent to various</p> <p>25 people dated March 7, 2016?</p>	<p style="text-align: right;">Page 21</p> <p>1 A It's likely. I don't have a memory of this,</p> <p>2 but --</p> <p>3 Q Do you have any reason to believe this is not</p> <p>4 the complaint she filed?</p> <p>5 A No. Except I would have just shipped it off</p> <p>6 to an outside party.</p> <p>7 Q Well, that was going to be my next question.</p> <p>8 Do you know what happened to this complaint?</p> <p>9 A It was sent to the outside investigator.</p> <p>10 Q Did you ever receive any kind of a report back</p> <p>11 about that?</p> <p>12 A I received a comprehensive report dated</p> <p>13 March 1st, 2016.</p> <p>14 Q Can you just take your time and review the</p> <p>15 complaint that's at the end of Exhibit 2 and</p> <p>16 compare it to Exhibit 5, because then I'm</p> <p>17 going to ask you some questions about it.</p> <p>18 MS. HEINS: We can take a break to</p> <p>19 do that if you want.</p> <p>20 MR. RETTKO: You're talking about</p> <p>21 this one?</p> <p>22 MS. HEINS: Yes.</p> <p>23 MR. RETTKO: If you need a few</p> <p>24 minutes, that's fine.</p> <p>25 THE WITNESS: Exhibit 5 or --</p>

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1 MR. RETTKO: Yes.
2 BY MS. HEINS:
3 Q Yeah. Compare Exhibit 5 to the last three
4 pages of Exhibit 2.
5 **A Okay. In reading Exhibit 5, I'm recalling**
6 **that there was an open investigation of her at**
7 **the time.**
8 Q By?
9 **A By IAD, I believe. And this would not have**
10 **been appropriate for a citizen complaint, EEO**
11 **personnel.**
12 Q And so --
13 **A So I probably did send it to Ms. Pepelnjak,**
14 **but my guess is she probably didn't deal with**
15 **it.**
16 Q Are you aware whether there was ever any
17 investigative report issued on the complaint
18 in Exhibit 5?
19 **A I do not know.**
20 Q And you mentioned that there was an
21 investigation pending at the time that you
22 received this complaint, Exhibit 5?
23 **A That's, if my memory serves me correct, right**
24 **because it's about her car accident, and that**
25 **was being investigated.**

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1 Q That was my next question. So in terms of
2 background. Detective Lewandowski and the
3 other person in the car with her, Detective
4 Carr, were involved in an accident in a police
5 squad in January, 2015. Do you recall any of
6 that?
7 **A Not really. I mean, at the time -- No, I**
8 **don't really.**
9 Q Now I'm going to have you take a look at what
10 we've marked as Exhibit 3 to your deposition.
11 This is pertaining to Ms. Lewandowski's
12 accident. If you see on the first page of
13 Exhibit 3 under "Procedural History," it
14 indicates that in an order dated December 16,
15 2015, the chief found Ms. Lewandowski guilty
16 of violations of these particular core values.
17 Do you see that?
18 **A Correct. Yes.**
19 Q And then she appealed the matter to the Fire &
20 Police Commission as she's able to do as a
21 member of the department, correct?
22 **A Correct.**
23 Q And then this document issued by the Fire &
24 Police Commission is what?
25 **A It's the Findings of Fact, Conclusions of Law**

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1 **sustaining the chief's recommendation.**
2 Q And so this document was created after the
3 two-day administrative hearing in front of the
4 commission --
5 **A Correct.**
6 Q -- on this matter?
7 **A Yes.**
8 Q Were you present at the administrative
9 hearing?
10 **A No.**
11 Q Was anyone from your staff present at the
12 hearing?
13 **A Yes. A paralegal, Jean Semenuk,**
14 **S-E-M-E-N-U-K.**
15 Q And what were her duties with respect to the
16 hearing?
17 **A She served as the first point of contact and**
18 **basically ran, through delegated authority,**
19 **the discharge hearing process. So she**
20 **coordinated schedules between the lawyers and**
21 **the commissioners, got room assignments, got**
22 **the court reporter, drafted pretrial orders**
23 **for me to sign, scheduled the pretrial with**
24 **the hearing examiner, talked to the hearing**
25 **examiner, and then during the day of the**

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1 **hearing was present in the room to sort of**
2 **oversee the proceedings, mark exhibits, things**
3 **like that.**
4 Q And Rudolph Konrad is indicated as the hearing
5 examiner for this hearing, correct?
6 **A Correct.**
7 Q Is he someone who is employed by the Fire &
8 Police Commission, or what is his role?
9 **A He's a contracted attorney to be hearing**
10 **examiner for the Fire & Police Commission.**
11 Q Are there other contracted hearing examiners
12 for the commission, as well?
13 **A There have been, but at the time he was the**
14 **sole source contract.**
15 Q So he was on a contract on sort of an
16 as-needed basis if there were hearings?
17 **A Yeah. It was a year-or-two-long contract. I**
18 **did -- I do recall I did go in during a break**
19 **because Jean called me and wanted me to assess**
20 **the coffee that was not available in the room,**
21 **so I -- but I was not present, nor did I have**
22 **any substantive part in this.**
23 Q Once the hearing was completed and before this
24 report or decision, whatever you want to call
25 it, was issued, did you discuss the matter

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1 with any of the commissioners on how they were
2 going to proceed and what they were going to
3 issue as a result of the hearing?
4 **A No.**
5 Q Did anyone in your office do that?
6 **A Yes. Rudy Konrad writes the decision, and**
7 **then Jean, the paralegal, coordinates what he**
8 **might need, if he needs a case from Westlaw or**
9 **if he needs an exhibit, things of that nature.**
10 Q Did Mr. Konrad ever consult with you about
11 anything before issuing this decision?
12 **A I believe I read a final draft that was then**
13 **sent to the commissioners for review.**
14 Q And did you --
15 **A Or actually, tell you the truth, I may have**
16 **read the final final after the commissioners**
17 **had been consulted.**
18 Q Did you take issue with any of the items that
19 Mr. Konrad included in the decision?
20 **A No.**
21 Q Did you ever review the transcripts of the
22 hearing?
23 **A No.**
24 Q Did you ever take a look at the exhibits
25 presented at the hearing?

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1 **A No.**
2 Q Why not?
3 **A I screen myself from disciplinary hearings. I**
4 **don't want even the appearance that I'm**
5 **involved or influencing the hearing examiner**
6 **or the commissioners, and that's by design. I**
7 **delegate all that to Jean, the paralegal.**
8 **And I hired -- or the city hired Rudy**
9 **Konrad to be the independent hearing examiner,**
10 **so I've not wanted to get involved in any of**
11 **the disciplinary hearings, and I don't.**
12 Q Why not?
13 **A Because I screened myself out of it.**
14 Q I guess what I'm getting at is, why did you
15 feel it was important to do that?
16 **A Well, I was not counsel for the board. They**
17 **have separate counsel. So if they had legal**
18 **questions, they could ask the city attorney's**
19 **office or they could ask Mr. Konrad.**
20 **I was, frankly, too busy to be doing**
21 **secretarial work of putting schedules together**
22 **and booking rooms and sitting through**
23 **hearings. So but for one occasion where the**
24 **paralegal got very sick and I had to step in**
25 **and take notes for her, I had nothing to do**

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1 **with any disciplinary discharge motion hearing**
2 **before the board at any time.**
3 Q And aside from the issue that the commission
4 already had their own counsel, were you
5 concerned that your being involved with the
6 hearing would perhaps appear to be a conflict
7 of interest in some way?
8 **A No, not a conflict of interest, just a**
9 **decision I made. And I know my successor made**
10 **that same decision, that, one, make sure the**
11 **process is due; and two, stay out of it**
12 **because I'm not a decision maker.**
13 **And but for that one time where the**
14 **paralegal was sick, I don't attend those**
15 **hearings, and I don't talk to the**
16 **commissioners about them. They're smart**
17 **people. Anything they needed they got from**
18 **Jean.**
19 Q I'm going to show you now what we've marked as
20 Exhibit 6 to your deposition. Do you recall
21 receiving this complaint from Officer Nancy
22 Nelson at the Fire & Police Commission?
23 **A I don't have an independent memory of this,**
24 **no.**
25 Q Do you have any reason to believe it was not

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1 filed with the commission?
2 **A I don't see a file stamp.**
3 Q Other than that?
4 **A I don't see a file stamp, and I have no memory**
5 **of it.**
6 Q In your tenure at the Fire & Police
7 Commission, did you receive other complaints
8 like this from officers within the police
9 department?
10 **A Occasionally.**
11 Q And what did you do with those?
12 **A It really depended on if command staff felt**
13 **they had a conflict of interest.**
14 Q Meaning what?
15 **A Meaning the reason I shipped out Lewandowski**
16 **was because she had made several complaints**
17 **about IAD not being impartial, and so the**
18 **police department asked me to either take it**
19 **or ship it out to outside counsel.**
20 Q As opposed to IAD handling it?
21 **A As opposed to shipping it back to IAD where**
22 **personnel matters should really be**
23 **investigated, not Fire & Police Commission.**
24 Q Do you recall whether Officer Melanie Beasley
25 filed any complaints with the Fire & Police

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1 Commission?
2 **A She did.**
3 Q Were those shipped out for investigation, as
4 well?
5 **A No.**
6 Q Referred to IAD?
7 **A No.**
8 Q What was done with those?
9 **A Her complaints came in after there had already**
10 **been a full IAD investigation, including a**
11 **referral to the district attorney's office.**
12 **So the investigator audited that file. And I**
13 **happen to remember that IAD also reevaluated**
14 **the file, so that's what was told to**
15 **Ms. Beasley.**
16 **Also, it was two or three years previous**
17 **to when she filed new complaints with the**
18 **Fire & Police Commission, so she was advised**
19 **of the outcome.**
20 Q And just one quick follow-up. You mentioned
21 when she filed the complaint with the
22 commission that they went and audited the IAD
23 file. Can you just describe a little bit what
24 you meant by that?
25 **A Sure. Because her allegations had already**

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1 **been investigated, you know, we didn't**
2 **necessarily need to reinvent the wheel. So**
3 **the FPC has an auditing function where they go**
4 **and look at the file, talk to the**
5 **investigating officers and evaluate whether**
6 **there needs to be re-evaluation or some new**
7 **investigation. And in Ms. Beasley's case,**
8 **that was not -- the investigation was fine.**
9 Q Do you recall whether any other female
10 officers in particular filed complaints with
11 the Fire & Police Commission while you were
12 there?
13 **A I received a phone call but not a written**
14 **complaint, and I don't remember her name. And**
15 **I think that's it.**
16 Q What was the person who you just identified,
17 what was she complaining about?
18 **A She was complaining about being reassigned off**
19 **the P.O.S.T. Team based upon a fitness for**
20 **duty evaluation.**
21 Q And can you just explain very briefly what the
22 P.O.S.T. Team is?
23 **A It's the -- I'm not really sure what the**
24 **acronym is for, but it's sort of like**
25 **post-trauma, a safe place for police officers**

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1 **to go talk to peers.**
2 Q Sort of a peer counseling program?
3 **A Right.**
4 Q Any other complaints you recall from female
5 police officers?
6 **A Yes. There was Katrina Warren who alleged**
7 **harassment by an assistant chief. And I**
8 **believe that's it.**
9 Q Harassment of what type?
10 **A Sexual.**
11 Q And was anything -- Did you order any
12 investigation of that or -- What happened to
13 that complaint?
14 **A I did, and I resigned before the outcome.**
15 Q Had you asked an outside person to investigate
16 it, or was it something you referred to IAD?
17 **A No. It was open in IAD, so normally I**
18 **wouldn't want to interfere with an open**
19 **investigation.**
20 Q Why not?
21 **A Because they're the initial factfinder, and**
22 **it's their personnel issue.**
23 Q And do they have a regular procedure that they
24 follow if complaints are filed?
25 **A Yes.**

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1 Q Did you ever -- Were you concerned that female
2 police officers were filing complaints of
3 their treatment at the Milwaukee Police
4 Department?
5 **A Was I concerned? No. I didn't see any kind**
6 **of pattern. I had been with the city for**
7 **18 years.**
8 Q Not in the police department, though, right?
9 **A Correct. I hadn't seen a pattern in the**
10 **police department.**
11 Q Let me back up a second. When you mentioned
12 that you had been with the city for 18 years,
13 you were not working in the police department,
14 right?
15 **A I've never worked in the police department.**
16 Q And so it didn't concern you that female
17 police officers were filing complaints of
18 discrimination against them within the
19 department?
20 **A Anyone can file a complaint. So did it trip**
21 **my wire? No. I saw it as work that we had to**
22 **do.**
23 Q Well, you mentioned the complaint that was
24 filed just before you left the Fire & Police
25 Commission Executive Director position. Would

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1 it concern you if an assistant chief had
2 sexually harassed a female police officer?
3 **A If it had been proven, sure. But it was right**
4 **in the middle of an investigation where there**
5 **are two sides to every story, so I try not to**
6 **prejudge and become alarmist.**
7 Q In your work at the Fire & Police Commission
8 and in your work as an assistant city
9 attorney, did you develop any impressions
10 about relations between the sexes at the
11 Milwaukee Police Department?
12 **A No.**
13 Q It's always been primarily a male department,
14 right?
15 **A Correct.**
16 Q And in your work as a city attorney, you often
17 had to deal with particular officers in
18 defending claims against the city, right?
19 **A Correct.**
20 Q In your time working for the City of Milwaukee
21 in the various different capacities, have you
22 ever felt discriminated against as a woman?
23 **A Not because of my gender, no.**
24 Q Some other illegal basis?
25 **A No.**

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1 Q Have you ever filed a complaint against the
2 city yourself?
3 **A No.**
4 Q In your time with the City of Milwaukee, have
5 you seen instances of what you would describe
6 as sex discrimination against women?
7 **A Sure, but that may have been -- I have -- My**
8 **information is privileged.**
9 Q Right. But I'm asking in your particular
10 observations, in whatever capacity.
11 **A I would say more so I saw it at the school**
12 **board than the city.**
13 Q The Milwaukee Board of School Directors?
14 **A Correct.**
15 Q Did you have any conversations with Melanie
16 Beasley about the complaints she brought to
17 the commission?
18 **A Yeah. She frequently called.**
19 Q What did you talk to her about?
20 **A I explained that -- I advised her of the**
21 **outcome in the letter. She wasn't happy. She**
22 **called the mayor's office. She called other**
23 **people. So it was usually just responding to**
24 **her inquiries.**
25 Q And would it be fair to say that she thought

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1 there ought to be another investigation into
2 her complaints?
3 **A Yes.**
4 Q Did you ever tell her that you don't
5 investigate members of the department unless
6 the department tells you to?
7 **A I didn't say it that way, no.**
8 Q How did you say it?
9 **A From recollection, I explained to her that we**
10 **would not normally take a personnel complaint**
11 **absent command staff telling us that they**
12 **believe they had a conflict of interest.**
13 Q So if I understand correctly then, the default
14 position that you held would be to send it to
15 IAD unless there appeared to be some kind of
16 conflict of interest that the department
17 recognized?
18 **A If there -- Yes. If there had already been an**
19 **investigation that was closed -- especially in**
20 **this case two, three years -- we wouldn't**
21 **necessarily open that up. We have procedural**
22 **guidelines about timing, and in this case it**
23 **had already been fully investigated and**
24 **referred to the district attorney.**
25 **And then I believe she raised it again**

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1 **with IAD previous to coming to us and they**
2 **did, like, a re-through and said they found**
3 **their investigation to be full and complete.**
4 MS. HEINS: All right. Why don't we
5 take a short five-minute break because I'm
6 going to switch topics here.
7 (Off the record. Recess taken.)
8 BY MS. HEINS:
9 Q Before you became executive director of the
10 Fire & Police Commission in Milwaukee, had
11 they ever had a female director before you?
12 **A Yes.**
13 Q More than one?
14 **A No.**
15 Q Do you know when the first female director
16 came?
17 **A I think it was Arlene Kennedy, and I would be**
18 **speculating.**
19 Q How many commissioners are on the board?
20 **A At what time?**
21 Q Let's say when you started as executive
22 director.
23 **A When I started there were six.**
24 Q And I know for Ms. Lewandowski's hearing there
25 were three, correct?

<p style="text-align: right;">Page 38</p> <p>1 A For her disciplinary hearing, yes.</p> <p>2 Q So my next question is, is there some</p> <p>3 procedure for selecting which of the</p> <p>4 commissioners will hear certain items?</p> <p>5 A No.</p> <p>6 Q But is the entire board ever present for a</p> <p>7 hearing?</p> <p>8 A Typically, no.</p> <p>9 Q So it's --</p> <p>10 A To backtrack. There is some procedure,</p> <p>11 meaning the paralegal contacts the</p> <p>12 commissioners, finds out their availability.</p> <p>13 We have to follow the rules of 62.50 in terms</p> <p>14 of scheduling.</p> <p>15 So she's finding the room, finding the</p> <p>16 reporter, finding commissioners. And then</p> <p>17 names of witnesses are circulated so that if</p> <p>18 any of them have a conflict of interest with</p> <p>19 anybody named as a witness, then they advise</p> <p>20 Jean.</p> <p>21 Q Is there a minimum number of commissioners</p> <p>22 that have to sit for a disciplinary hearing?</p> <p>23 A Yes, three.</p> <p>24 Q Are more ever present at the hearing or is it</p> <p>25 always just three?</p>	<p style="text-align: right;">Page 40</p> <p>1 you ever assist Internal Affairs in any way in</p> <p>2 conducting investigations?</p> <p>3 A Typically not substantively. More so</p> <p>4 procedural, like correct service of a PI-21,</p> <p>5 or what to do if someone was ill and couldn't</p> <p>6 attend a PI-21.</p> <p>7 Q Could you just briefly describe what a PI-21</p> <p>8 is?</p> <p>9 A PI-21 is a -- It's a Garrity warning compelled</p> <p>10 statement from an individual that is suspected</p> <p>11 of or has been alleged to have engaged in</p> <p>12 misconduct.</p> <p>13 Q And Garrity is the legal case that provides</p> <p>14 members with the opportunity to request</p> <p>15 representation?</p> <p>16 A Yes. Also, it's fruit of the poisonous tree</p> <p>17 doctrine.</p> <p>18 Q And it's essentially a notice to the member.</p> <p>19 I think it has that somewhere in the title,</p> <p>20 right?</p> <p>21 A Correct.</p> <p>22 Q Notice informing the member or something?</p> <p>23 A Right.</p> <p>24 Q Did you as executive director get notice of</p> <p>25 all Internal Affairs investigations at the</p>
<p style="text-align: right;">Page 39</p> <p>1 A Not in an official capacity. It's always</p> <p>2 three.</p> <p>3 Q We talked a little bit about complaints that</p> <p>4 the commission received that would then get</p> <p>5 referred to the Internal Affairs Division?</p> <p>6 A Correct.</p> <p>7 Q Did you as executive director ever have any</p> <p>8 involvement with Internal Affairs in doing</p> <p>9 their investigation?</p> <p>10 A Not substantively, no.</p> <p>11 Q What other ways would you be involved?</p> <p>12 A Making sure that the complainant got notice of</p> <p>13 the outcome. Making sure that they stayed in</p> <p>14 contact with our investigators.</p> <p>15 Q So did your investigators sometimes work with</p> <p>16 Internal Affairs on their investigations?</p> <p>17 A No. It was more keeping each other apprised.</p> <p>18 Q And was that in the event that some kind of</p> <p>19 discipline would result that could be appealed</p> <p>20 to the commission, or was there some other</p> <p>21 reason for keeping you apprised?</p> <p>22 A Well, mostly to fulfill the statutory</p> <p>23 obligations of oversight, citizen complaints</p> <p>24 and auditing.</p> <p>25 Q When you were an assistant city attorney, did</p>	<p style="text-align: right;">Page 41</p> <p>1 police department?</p> <p>2 A No.</p> <p>3 Q Did you get notice of some of them?</p> <p>4 A We had full access to the database, so an</p> <p>5 investigator could look up the status of a</p> <p>6 case at any time.</p> <p>7 Q But it wasn't something that they</p> <p>8 automatically had to keep you apprised of or</p> <p>9 anything?</p> <p>10 A Correct. Typically a file would be opened,</p> <p>11 and my investigators could see that if they</p> <p>12 were looking or there was some matter of</p> <p>13 interest.</p> <p>14 Q So it was available but not necessarily</p> <p>15 something you looked at routinely?</p> <p>16 A Correct.</p> <p>17 Q Going back to the org chart briefly,</p> <p>18 Exhibit 1. The Fire & Police Commission is</p> <p>19 the body that actually selects and hires the</p> <p>20 chief of police, right?</p> <p>21 A Correct.</p> <p>22 Q And the chief of police during your tenure as</p> <p>23 executive director was Ed Flynn, right, up</p> <p>24 until the end?</p> <p>25 A The majority of my tenure, yes.</p>

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<p>1 Q Was he the chief when you became executive</p> <p>2 director?</p> <p>3 A Yes.</p> <p>4 Q And he retired in February of 2018 or so?</p> <p>5 A Correct.</p> <p>6 Q How would you describe your working</p> <p>7 relationship with Chief Flynn?</p> <p>8 A We both had a job to do. It was a</p> <p>9 professional relationship.</p> <p>10 Q If you had a concern about something that</p> <p>11 was -- Well, let me just put it a different</p> <p>12 way.</p> <p>13 At some point in your tenure as executive</p> <p>14 director, did you become concerned that you</p> <p>15 were being stalked by someone?</p> <p>16 A No.</p> <p>17 Q Did you ever tell anybody in either the</p> <p>18 mayor's office or the chief's office that you</p> <p>19 thought someone was following you?</p> <p>20 A Yes.</p> <p>21 Q And did anybody take any action to help you</p> <p>22 with that?</p> <p>23 A No.</p> <p>24 Q How did you feel about that?</p> <p>25 A I was very disappointed.</p>	<p>1 I just knew that they had been asking</p> <p>2 questions about me, and a neighbor of mine</p> <p>3 alerted me to the fact that he thought I was</p> <p>4 being followed.</p> <p>5 Q And how long a period of time did this occur,</p> <p>6 would you say, before you raised a concern</p> <p>7 about it?</p> <p>8 A The minute I found out, I called the mayor's</p> <p>9 office, so that was April -- first week of</p> <p>10 April.</p> <p>11 Q Of --</p> <p>12 A 2018. 2017. Wait. Yeah, '17.</p> <p>13 Q And you mentioned that a neighbor told you</p> <p>14 that people were asking questions about you?</p> <p>15 A Yes.</p> <p>16 Q What did it seem that they were trying to find</p> <p>17 out about you?</p> <p>18 A It had the appearance that they were trying to</p> <p>19 find out if I lived there, if that was my</p> <p>20 primary residence.</p> <p>21 Q This is neighbors next to where you lived?</p> <p>22 A Down the street, yeah.</p> <p>23 Q And did that raise any red flags for you?</p> <p>24 A Yeah, I was concerned. Well, one, because it</p> <p>25 is my primary place of residence, and I didn't</p>
Page 43	Page 45
<p>1 Q Did you know or suspect who was following you?</p> <p>2 A Yes.</p> <p>3 Q And was it someone in the police department or</p> <p>4 the fire department?</p> <p>5 A Police.</p> <p>6 Q And so what did you think should happen after</p> <p>7 you raised that concern?</p> <p>8 A I thought that -- Well, and I was told by the</p> <p>9 mayor's office that they did talk to Flynn and</p> <p>10 told him to leave me alone, to stop following</p> <p>11 me -- stop investigating me.</p> <p>12 And then at one point later, there was a</p> <p>13 meeting between the mayor's office, the</p> <p>14 chief's office and myself wherein Flynn didn't</p> <p>15 apologize but said that his investigators</p> <p>16 botched the process and it was not their</p> <p>17 intention to make me the target.</p> <p>18 Q Let's go back and unpack a little bit of that.</p> <p>19 Who were you concerned was following you?</p> <p>20 A The police department.</p> <p>21 Q As a whole or somebody in particular?</p> <p>22 A IAD.</p> <p>23 Q So you thought Internal Affairs was -- What</p> <p>24 did you think they were doing?</p> <p>25 A I really didn't know. I really didn't know.</p>	<p>1 know what the police department -- They were</p> <p>2 IAD detectives, I guess, and I didn't know</p> <p>3 what on earth they would be -- what</p> <p>4 jurisdiction they would have to be</p> <p>5 investigating me unless there was some</p> <p>6 criminal case, which turned out not to be.</p> <p>7 Q Well, I mean, the police -- I mean, as the</p> <p>8 executive director of the Fire & Police</p> <p>9 Commission, the department would have had</p> <p>10 access to your residence information anyway,</p> <p>11 right?</p> <p>12 A Correct.</p> <p>13 Q So did it strike you as weird that way, that</p> <p>14 they would be checking on that?</p> <p>15 A Yes.</p> <p>16 Q And so did you discover what it was that they</p> <p>17 were trying to find out?</p> <p>18 A Well, I did have a lunch meeting with Chief</p> <p>19 Flynn about a month after I complained to the</p> <p>20 mayor.</p> <p>21 Q So May or so?</p> <p>22 A Yes, May.</p> <p>23 Q And was it just you and the mayor?</p> <p>24 A No, I'm sorry. It was me and the chief.</p> <p>25 Q The chief. Okay.</p>

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1 **A And he said -- He said the investigation was**
2 **botched, but at some point somebody thought**
3 **that I might have been stalked, and they were**
4 **going to close that portion of the**
5 **investigation because they found it not**
6 **truthful.**
7 And I said, "Well, next time you think
8 I'm being stalked, probably you should warn
9 me. You should probably tell the mayor's
10 office. I am a cabinet member." But they
11 never did, and he said, "I know, I know. It
12 got botched."
13 Q So had you ever told anyone you thought you
14 were being stalked?
15 **A Yes. No, no. I told the mayor and the city**
16 **attorney that I believed I was being followed.**
17 **I didn't necessarily think of it as**
18 **"stalking." But in hindsight, that's really**
19 **kind of what it was.**
20 Q And why do you say that?
21 **A Because there was no reason to follow me, and**
22 **I really don't know for what purpose it was**
23 **done.**
24 Q And you mentioned that at some point you had a
25 meeting with the chief and the mayor?

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1 **A The mayor's chief of staff.**
2 Q I misunderstood. I thought you meant the
3 police chief and the mayor.
4 **A No.**
5 Q The mayor and his chief of staff were in the
6 meeting with you?
7 **A The mayor was not in the meeting. The mayor's**
8 **chief of staff and assistant chief and the**
9 **chief and myself. This is separate from the**
10 **lunch meeting.**
11 Q Let's talk about both meetings. You pick
12 which one you want to talk about first.
13 **A It's your rodeo. Why don't you start.**
14 Q How about the one with all of the chiefs and
15 assistant chiefs?
16 **A Okay. One chief, one assistant chief.**
17 Q And these are assistant chief of staff and
18 chief of staff?
19 **A No. It was the mayor's chief of staff.**
20 Q I'm hopelessly confused.
21 **A The mayor's chief of staff, Chief Flynn, and**
22 **then Assistant Chief William Jessup.**
23 Q And he is who?
24 **A Assistant chief.**
25 Q Of?

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1 **A The police department.**
2 Q Thank you. All right. Now we have all of the
3 chiefs identified, I hope. So you had a
4 meeting with the three of them. And what did
5 you discuss?
6 **A The fact that I felt that the chief was**
7 **exceeding his jurisdiction by investigating**
8 **me, to which they fought a bit but agreed.**
9 Q Who fought?
10 **A The chief and his assistant chief kind of**
11 **fought that notion for a while, but then**
12 **agreed. But then Chief Flynn asked me, "Are**
13 **you planning on suing me?" And I said "No,**
14 **I'm not. I just want this to stop. It's**
15 **creepy."**
16 Q He was concerned that you were going to sue
17 him for having you followed?
18 **A I don't know what he assumed.**
19 Q But he didn't describe that any further?
20 **A No.**
21 Q But you didn't sue the chief of police?
22 **A No. Correct.**
23 Q And so what else did you discuss at the
24 meeting?
25 **A It was about that. That meeting was just**

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1 **about that.**
2 Q In your mind at least, did that resolve the
3 issue?
4 **A I was hopeful. I'm not really sure if it did.**
5 **I was hopeful that it would, but I don't know.**
6 **I lacked knowledge.**
7 Q And you mentioned there was another meeting.
8 I think that was the one that you met with the
9 chief of police?
10 **A Correct.**
11 Q And was that just the two of you?
12 **A Yes.**
13 Q And when did that happen?
14 **A That happened about May 5th, and then the**
15 **meeting with the assistant chief and the chief**
16 **of staff, that was about a month later.**
17 Q So beginning of June or so?
18 **A Yeah.**
19 Q So in your meeting with the chief of police,
20 was it just the two of you?
21 **A Yes.**
22 Q And what did you discuss?
23 **A We discussed the fact that I had been,**
24 **quote/unquote, investigated by IAD. He blamed**
25 **it on a botched investigation.**

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1 Q Into what? Did he say?

2 **A A concern that I was being stalked. And then**

3 **that's when I said, "Next time I'm being**

4 **stalked, it would be really nice for you to**

5 **tell me," because it was May, and how long --**

6 **how long have I been stalked, by whom --**

7 Q Did he ever answer those questions for you?

8 **A No. And he never apologized, but he said,**

9 **"You're out of it, and we'll move on in our**

10 **investigation and come to a conclusion." And**

11 **I said, "Okay. Fine."**

12 Q Did he ever tell you if they did that?

13 **A No.**

14 Q Do you know if there was a conclusion?

15 **A I believe Captain Sgrignuoli got discipline,**

16 **but I do know for a fact that the file wasn't**

17 **closed. And it wasn't closed until Alfonso**

18 **Morales became chief.**

19 Q And how do you know it wasn't closed until

20 Alfonso Morales became chief?

21 **A Because there was a public records request for**

22 **the file, and I as a public official went in**

23 **and reviewed the file.**

24 Q And so you mentioned that Captain Sgrignuoli

25 had been disciplined?

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1 **A I believe so, yes.**

2 Q And how did that relate to the investigation

3 we've been discussing where they thought you

4 were being stalked? Did they think

5 Mr. Sgrignuoli was stalking you?

6 **A I'm not really sure what they thought. I**

7 **didn't get that detail. But in reviewing the**

8 **public record file, it never says that in**

9 **there. It's more they were trying to create a**

10 **connection between the two of us, but they**

11 **never found one.**

12 Q And so I was going to ask you about that then.

13 Did you find out at some point that the

14 department was investigating whether you and

15 Captain Sgrignuoli were having an affair or a

16 romantic relationship of some type?

17 **A I do not know what they were doing. I**

18 **think -- I really don't -- I never really got**

19 **to the bottom of what the scope of their**

20 **investigation was.**

21 Q Well, then help me connect the dots between

22 you found out that they were following you and

23 Sgrignuoli got disciplined. What happened in

24 between?

25 **A They continued their investigation. I**

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1 **didn't really know that Sgrignuoli's**

2 **discipline had anything to do with me until I**

3 **read -- until I noticed that I was named**

4 **in the public record file. Well, actually,**

5 **Flynn being on TV, too.**

6 **But when I read the public record file,**

7 **it was clear that they were looking for some**

8 **kind of connection.**

9 Q And I don't remember if we talked about this

10 or not, but at some point in February of 2018

11 Chief Flynn retired from the Milwaukee PD,

12 right?

13 **A Correct.**

14 Q And what do you understand that Mr. Sgrignuoli

15 was disciplined for?

16 **A I'm not really sure. I don't know the**

17 **technical rule violations that he was alleged**

18 **to have violated. My understanding is he**

19 **watched a video in the mayor's office, and my**

20 **understanding is the police department didn't**

21 **begin investigating that until March, April,**

22 **so the videotape had been erased. So I don't**

23 **know.**

24 Q Well, from your knowledge of the police

25 department over the years working for the

Page 53

1 city, would there be anything about Sgrignuoli

2 reviewing tapes at City Hall that would be

3 against department policy?

4 **A No.**

5 Q Do you know what he was reviewing tapes of?

6 **A Just from what I read in the paper, that it**

7 **was Market Street.**

8 Q Parking ramp?

9 **A No, there is no ramp. My understanding was**

10 **that it was Market Street.**

11 Q And we'll get to that. You mentioned Chief

12 Flynn's comments?

13 **A Um-hum. Yes.**

14 Q He was actually on -- He was interviewed on TV

15 and accused you of some things, right?

16 **A Correct.**

17 Q He accused you of trying to interfere into the

18 investigation of Sgrignuoli?

19 **A He did say that, yes.**

20 Q Do you recall what specifically he said?

21 **A Not really, no.**

22 Q Did you do anything to interfere with the

23 investigation into Sgrignuoli?

24 **A No.**

25 Q Did you ever talk to Internal Affairs about

Page 54

1 what they might be investigating Sgrignuoli
2 for?
3 **A No.**
4 Q Did you ever talk to any officers in the
5 department about what he might be under
6 investigation for?
7 **A I did not. Just the chief and -- No.**
8 **Actually, no, I didn't. No. To answer your**
9 **question, no.**
10 Q I don't remember if we touched on this
11 specifically. Do you know if they were
12 investigating if you and Mr. Sgrignuoli were
13 in a romantic relationship?
14 **A I'm not sure what they were investigating.**
15 Q If you and Sgrignuoli had been in a romantic
16 relationship while you were at the Fire &
17 Police Commission and he was a police captain,
18 would that be in violation of any standard
19 operating procedures or rules within the
20 department?
21 MR. RETTKO: I'm going to object.
22 It requires her to speculate on things that
23 didn't occur, but go ahead.
24 BY MS. HEINS:
25 Q All right. I mean -- I'm asking you

Page 55

1 essentially a hypothetical. If Mr. Sgrignuoli
2 had been in a relationship with the executive
3 director of the Fire & Police Commission,
4 would that have violated on his side any kind
5 of standard operating procedures or rules of
6 the department?
7 MR. RETTKO: If you know. If you
8 have to speculate what the rules are, let her
9 know that as well.
10 THE WITNESS: Well, broadening it to
11 any relationship, no, I'm unaware of that.
12 BY MS. HEINS:
13 Q Do you think that a relationship like that
14 might lead people to conclude that there was a
15 conflict of interest?
16 MR. RETTKO: Object again.
17 BY MS. HEINS:
18 Q I'm just asking your opinion.
19 **A I don't know.**
20 Q Have you ever thought about it?
21 **A No.**
22 Q Well, I don't know if you've seen the memo
23 from Sergeant Hines -- spelled differently,
24 thankfully -- where they were actually
25 investigating whether you were in a

Page 56

1 relationship with Mr. Sgrignuoli. Have you
2 ever seen the memo?
3 **A I have read the file but --**
4 Q It was in the press.
5 **A I read -- Well, I read the official file. I**
6 **don't know what memos may have been**
7 **unofficially sent out. The file I read didn't**
8 **jump to that conclusion.**
9 Q Did the file you read explain what the
10 department was investigating?
11 **A The file I read explained that they were**
12 **investigating Captain Sgrignuoli for reviewing**
13 **a videotape at the mayor's office.**
14 Q And at some point Chief Flynn mentioned in the
15 press that you accused him of abusing his
16 police powers. Do you recall seeing that?
17 **A I did, yes.**
18 Q And what was it that you thought Chief Flynn
19 was abusing of his police powers?
20 **A Investigating me.**
21 Q And what was -- Why did you think that
22 violated his police powers or exceeded them?
23 **A Because he had a 330 million dollar agency**
24 **that he used to investigate the head of the**
25 **Fire & Police Commission. He has no**

Page 57

1 **jurisdiction. I don't work for him. I wasn't**
2 **on his payroll, and I found it highly**
3 **inappropriate.**
4 **He didn't get -- As far as I know, he**
5 **didn't get clearance from the mayor to do**
6 **that, who is my direct boss, and I thought it**
7 **was abuse of power.**
8 Q And in thinking that it was an abuse of power,
9 was that in part because the commission that
10 you worked for was tasked with hiring him
11 specifically?
12 **A I thought it was an abuse of power for many**
13 **reasons.**
14 Q Tell me the reasons you thought it was an
15 abuse of power.
16 **A He was leveraging a 330 million dollar**
17 **agency --**
18 Q By which you mean the Milwaukee Police
19 Department?
20 **A Correct, to investigate me. And there had**
21 **been episodes in the previous year where**
22 **police officers were waiting for me after**
23 **Fire & Police Commission meetings asking me**
24 **personal questions about this person or**
25 **that -- you know, Leslie Silletti didn't get**

Page 58

1 the job.

2 So, I mean, I was hyperaware that people

3 were interested in what I had to say and what

4 I might be doing. But I think having someone

5 followed or surveilled without any check or

6 balance with the mayor or the board was highly

7 inappropriate.

8 Q Any other reasons you thought it was highly

9 inappropriate?

10 A I think Flynn had a conflict of interest in

11 doing that.

12 Q In what way?

13 A I essentially worked for the board that is his

14 boss. So even if he was fishing for some

15 information on me or he had a specific goal,

16 it's inappropriate.

17 Q And not only was the commission Chief Flynn's

18 boss, but the commission also heard complaints

19 of officers under Flynn, right?

20 A Correct.

21 Q If he disciplined them?

22 A Correct.

23 Q Is that another reason that it would be

24 inappropriate?

25 A Yeah.

Page 59

1 Q Did you think about that?

2 A Yes.

3 Q Any other reasons that you thought it was

4 inappropriate?

5 A No.

6 Q Have you ever heard the allegation that the

7 department was investigating you to see if you

8 had a romantic relationship with Sgrignuoli?

9 A Well, that was a headline in one of the paper

10 articles, yeah. I read it.

11 Q Do you think in some way that's discriminatory

12 against you as a woman?

13 A You know, I did think about that, and I

14 decided not to pursue that. But do I think

15 they would have -- Do I think Chief Flynn

16 would have surveilled a male? Probably not.

17 Q Do you know if the department ever surveilled

18 Sgrignuoli for that purpose?

19 A In the file they did surveil Sgrignuoli. I

20 really don't know for what purpose.

21 Q Did you ever take any steps to get

22 Mr. Sgrignuoli's discipline reduced in any

23 way?

24 A No.

25 Q Are you aware that the department had photos

Page 60

1 of you and Sgrignuoli at Total Wine in

2 Brookfield together?

3 A I was aware of one photo, yes.

4 Q What did you think about that?

5 A I thought it showed two people buying a bottle

6 of wine to go to a retirement party.

7 Q And did you think it was appropriate that they

8 took that picture and did something with it?

9 A Well, it was taken by a retired captain, for

10 what reason I don't know.

11 Q Mark Stanmeyer?

12 A Correct. And then that caused IAD to go to

13 Total Wine and look at their surveillance

14 video, or whatever. You know, the anti-theft

15 video or whatever. What was your question?

16 Did I --

17 (Reporter read pending question.)

18 THE WITNESS: I think it's bizarre

19 that it got to a fervor level.

20 BY MS. HEINS:

21 Q You mentioned Captain Stanmeyer was retired.

22 Do you know how old he is, roughly?

23 A He's probably fifties.

24 Q Did you think that his taking that photo and

25 making a big deal out of it was sexist, too?

Page 61

1 A I just thought it was vindictive and mean and

2 stupid. I mean, people work at the city, they

3 know each other a long time, they're friends.

4 Q What was vindictive about it?

5 A An implication that we were -- there was

6 something nefarious in buying a bottle of

7 wine.

8 Q So you thought he was implying that you were

9 having an affair with Sgrignuoli --

10 A I don't know what he was implying.

11 Q -- by taking a photo?

12 A I don't know if he was implying that or if

13 that Sgrignuoli was giving me information on

14 the side. I have no idea. Who knows? It's

15 best to ask them.

16 Q And Captain Stanmeyer took that information to

17 the chief, right, Chief Flynn?

18 A That's my understanding, yes.

19 Q And was it Chief Flynn who actually ordered an

20 investigation or surveillance into that?

21 A My understanding is that it was Assistant

22 Chief Yerkes and Assistant Chief Jessup, but I

23 don't really know. That's what I gleaned from

24 the file.

25 Q And Assistant Chief Yerkes is female, right?

Page 62

1 **A Correct.**
2 Q I don't know the other assistant chief. Is
3 that a man or a woman?
4 **A Man.**
5 Q Did the fact that they ordered that indicate
6 to you that there was any kind of sexism
7 involved?
8 **A No, not really. I just thought it was bad**
9 **judgment.**
10 Q Through this whole process, did you ever feel
11 like the department was saying that you
12 couldn't be a powerful woman and run a
13 commission by yourself without the help of
14 some man giving you information?
15 **A Again, I don't -- Did I ever feel that way?**
16 **No, I didn't feel that way. I do know that I**
17 **was very prepared for meetings and often Flynn**
18 **didn't like that, and that irked him. But do**
19 **I equate that to that some man fed me**
20 **information? No.**
21 Q I have met Chief Flynn also and taken his
22 deposition. Would it be fair to say that he
23 can sometimes be uncomfortable with women in
24 power?
25 **A That's my personal opinion, yes.**

Page 63

1 Q Would it also be fair to say that in your
2 observation, he speaks differently to men and
3 women in roughly equal positions of power?
4 **A I have to say I didn't see that.**
5 Q Do you have any idea why Captain Sgrignuoli
6 was looking at tapes in the mayor's office?
7 **A No.**
8 Q Then or now?
9 **A Just what I read in that public record file.**
10 Q And do you have any reason to disagree that
11 Sgrignuoli served a five-day suspension --
12 **A No.**
13 Q -- for whatever transgressions he was being
14 investigated for?
15 **A I have no knowledge that he did not serve**
16 **that.**
17 Q Do you know anything about Captain
18 Sgrignuoli's discipline record with the
19 Milwaukee Police Department?
20 **A No.**
21 Q Do you know that as part of this lawsuit
22 Detective Lewandowski is accusing Captain
23 Sgrignuoli of lying?
24 **A Yes. I could glean that from reading the**
25 **Complaint.**

Page 64

1 Q And do you understand that she is claiming
2 that Captain Sgrignuoli threatened her?
3 **A I didn't pick up on that, no.**
4 Q Do you understand that Captain Sgrignuoli was
5 Detective Lewandowski's boss for a period of
6 time that's covered in this Complaint?
7 **A I believe at times he was the acting captain,**
8 **but he wasn't higher rank than that.**
9 Q But in any event, whatever rank he had, he was
10 supervising Detective Lewandowski?
11 **A That I'm actually unclear about, but -- I**
12 **mean, the records don't lie. If the records**
13 **say that.**
14 Q Coming into today's deposition, what do you
15 know about Detective Shannon Lewandowski?
16 **A I know just the facts. I know that she filed**
17 **a complaint with my office. I know that she**
18 **was later discharged. She filed a federal**
19 **court lawsuit.**
20 **And this may be out of order. She**
21 **appealed her discharge, and it went to a full**
22 **hearing that lasted a couple of days. It was**
23 **a unanimous decision to sustain the chief's**
24 **discharge.**
25 **There was a newspaper article about it.**

Page 65

1 **I know she appealed the board's finding to the**
2 **circuit court, and the circuit court upheld**
3 **the finding. And I do know that she appealed**
4 **it to the appellate court, then I believe at**
5 **some point withdrew her appeal.**
6 **I listened to parts of her radio show on**
7 **WNOV where she made allegations against a lot**
8 **of different people. And that's about it.**
9 Q Have you ever met her personally?
10 **A No.**
11 Q Have you ever reviewed her work record?
12 **A No.**
13 Q Do you know that she was a long-term police
14 officer with the Milwaukee Police Department?
15 **A Yes.**
16 Q Do you know anything about her reputation
17 within the department?
18 **A Yes.**
19 Q What do you know about that?
20 **A I was consistently told she was a good**
21 **detective.**
22 Q Did you ever have occasion to look at her
23 personnel file?
24 **A No.**
25 Q And before she filed the complaint with the

Page 66

1 Fire & Police Commission, do you know that she
2 had filed previous discrimination complaints
3 with the chief and with IAD?
4 **A I knew that she must have or that there was**
5 **something, because the command staff told me**
6 **they were nervous to have IAD investigate this**
7 **complaint because she had alleged unfair**
8 **treatment by IAD.**
9 Q You mentioned that you read her federal court
10 complaint before coming here today?
11 **A Right.**
12 Q Did anything in that complaint surprise you or
13 even shock you?
14 **A I mean, I am a lawyer, so no, it didn't shock**
15 **me. No.**
16 Q Her complaint details a number of instances
17 that she claims she was discriminated against
18 compared to male officers, correct?
19 **A Correct.**
20 Q Did you read all of those?
21 **A Not really. I kind of just read the part**
22 **where I'm named.**
23 Q That's fair. In her complaint she details a
24 number of situations where male officers were
25 treated better than female officers within the

Page 67

1 department, and you mentioned that you've
2 received other complaints at the Fire & Police
3 Commission about such treatment within the
4 department.
5 What do you think about any of that? Do
6 you have any opinion?
7 **A Well, in reading the complaint, I did bring to**
8 **the table the knowledge I had when I was in**
9 **the city attorney's office. Some of the**
10 **specifics that were named, I know the**
11 **difference between what the allegations were**
12 **against her versus the allegations against**
13 **that person, and specifically the outcome of a**
14 **due process hearing in front of the commission**
15 **under 62.50.**
16 **So some of that I took with a grain of**
17 **salt, and the others I just read it because**
18 **everybody -- everybody is entitled to swear**
19 **out their own complaint.**
20 Q Are you aware of instances in which female
21 members of the department have actually gotten
22 temporary restraining orders against male
23 members of the department?
24 **A I am familiar, yes.**
25 Q Does that concern you as a former executive

Page 68

1 director of the commission?
2 **A Yes, of course. I mean, the commission went**
3 **on to champion changing the domestic violence**
4 **policy in June or July of 2017.**
5 Q The policy within the department?
6 **A Yes.**
7 Q Tell me about that.
8 **A It heightened the scrutiny. It also required**
9 **persons with knowledge to report it. It's all**
10 **public record.**
11 Q When did that policy go into effect, if you
12 recall?
13 **A I believe it went into effect in the fall of**
14 **2017.**
15 Q So if I understand what you just told me, that
16 would mean that if a member of the police
17 department has knowledge that another police
18 department member was involved in an incident
19 of domestic violence, that they have an
20 obligation to report that to the department?
21 **A Yes. There was also a lot of aftercare in the**
22 **policy about intervention and treatment.**
23 Q And prior to your working with the commission
24 to implement that, was there any specific
25 policy that addressed domestic violence or

Page 69

1 domestic abuse?
2 **A I believe so, yes.**
3 Q What was it about this new policy in 2017 that
4 changed or improved upon the old policy?
5 **A Well, there had been an incident where a**
6 **police officer had taken his life and his**
7 **wife's life, so it really brought a lot of**
8 **attention to updating the policy and making it**
9 **clear that the officer's goal is to help**
10 **people, and so outlined more specific protocol**
11 **of what to do in a responding situation and**
12 **what to do -- and how the department was going**
13 **to deal with guideposts that may tend to have**
14 **one think that there might be some domestic**
15 **violence problems.**
16 Q In your work as an assistant city attorney,
17 did you ever go out to the scene of any
18 domestic violence complaints?
19 **A No.**
20 Q Did you ever go along with any of the officers
21 on calls or investigations?
22 **A I did, but not on a domestic violence.**
23 Q And as part of your work doing that, did you
24 observe officers taking notes or memorializing
25 information that would later go into their

Page 70

1 report of the incident?

2 **A Yes.**

3 Q And, I mean, you understand from that process

4 that it is the officer's discretion and

5 experience and training about what to include

6 in that official report, right?

7 **A Correct.**

8 Q That's part of what they're trained to do as

9 officers?

10 **A Yes.**

11 Q And would it be fair to say that the integrity

12 of the criminal justice process depends, at

13 least in part, on the officer being honest and

14 complete in preparing that report of the

15 incident?

16 **A I'm not sure I'm the best person to ask that;**

17 **but yes, it seems logical.**

18 Q Because, I mean, essentially the rest of the

19 police investigation process starts from that

20 initial officer's report, right?

21 **A I think so.**

22 Q And --

23 MR. RETTKO: Don't speculate. If

24 you don't know, just --

25 THE WITNESS: Okay.

Page 71

1 BY MS. HEINS:

2 Q Have you ever -- Well, when you were executive

3 director of the Fire & Police Commission, did

4 you ever sit in on any interviews of officer

5 candidates?

6 **A No.**

7 Q Have you ever seen question lists or the

8 information that's requested of officers in

9 interviews?

10 **A Yes.**

11 Q And at least some of the questions go to the

12 officer's honesty, right?

13 **A I honestly can't remember. The tests are**

14 **written by a third-party vendor that owns**

15 **those tests.**

16 Q Let me ask it a different way because I think

17 you've answered a different question. I'm

18 talking about the actual interviews that occur

19 of officer candidates.

20 **A The oral boards?**

21 Q Yes.

22 **A That's all scripted, as well.**

23 Q Right. And part of the script goes to the

24 honesty and integrity of the person being

25 interviewed, right?

Page 72

1 **A Honestly, I don't know. I relied on the**

2 **third-party vendor with the testing and the --**

3 Q Did you ever look at the actual questions,

4 though?

5 **A No.**

6 Q I mean just as a regular citizen, though, we

7 want our police officers to be honest and have

8 integrity, right?

9 **A Of course.**

10 Q As an assistant city attorney, did you ever

11 run into situations where court testimony from

12 a particular officer could not be offered

13 because that officer had been found to have

14 honesty violations or had been disciplined for

15 some type of honesty issue?

16 **A Yes.**

17 Q And what effect does that have on being able

18 to have that officer testify in court, in your

19 experience?

20 **A I think at some point it becomes the district**

21 **attorney's discretion, and then likewise would**

22 **be the U.S. Attorney's discretion, and then**

23 **likewise would be Grant Langley's discretion**

24 **if it was a municipal court matter.**

25 Q In those kinds of situations, does the

Page 73

1 prosecuting attorney, whoever that is, the DA

2 or the U.S. Attorney, do they have to turn

3 over that information about the honesty

4 violations to the defense?

5 **A I believe so. I believe that's part of**

6 **discovery.**

7 Q And in your role, at least, and as an

8 assistant city attorney, that would

9 significantly complicate your ability to

10 prosecute a case if you had to disclose that

11 your testifying officer had honesty issues,

12 right?

13 **A I don't think I ever ran into that, frankly.**

14 Q No?

15 **A No. My analysis was more rewriting the job**

16 **description and coordinating testimony of the**

17 **district attorney, U.S. Attorney and Grant**

18 **Langley.**

19 Q And did you ever -- As an assistant city

20 attorney, did you ever participate in criminal

21 cases, or were they all civil?

22 **A They were all civil.**

23 Q In your time either at the city attorney's

24 office or at the Fire & Police Commission, are

25 you aware of any sex discrimination complaints

Page 74

1 against the Milwaukee Police Department that
2 were sustained?
3 **A Do you mean by the MPD?**
4 Q Either by the police department or by a court
5 or by an administrative agency.
6 **A Did you include MPD?**
7 Q Yes.
8 **A I'm aware of some with MPD, and I am aware of**
9 **some sustained -- or findings of probable**
10 **cause at the Equal Rights Division before a**
11 **hearing on the merits, and that's about it.**
12 **I'm going to get some water.**
13 MS. HEINS: Sure. We can take a
14 five-minute break, too, if people want to.
15 (Off the record.)
16 BY MS. HEINS:
17 Q I'll have you take a look at what we marked as
18 Exhibit 7 to your deposition and Exhibit 8 to
19 your deposition. Now, not necessarily in this
20 particular format, but have you seen these
21 articles that came out in the Milwaukee
22 Journal Sentinel?
23 **A Yes.**
24 Q And earlier when we were talking about Chief
25 Flynn's accusations against you and your

Page 75

1 accusations against him, is that roughly what
2 Exhibits 7 and 8 covered in the press?
3 **A Let me read them.**
4 Q Take your time.
5 **A Okay. I read it. I don't recall the**
6 **question.**
7 Q I just asked you about these particular
8 documents. My question -- I mean, the first
9 question, I guess, is were you ever concerned
10 that Captain Sgrignuoli was stalking you?
11 **A No.**
12 Q Or following you?
13 **A No.**
14 Q Did you have any fear for your safety from
15 Captain Sgrignuoli?
16 **A No.**
17 Q And in Exhibit 8 in the third paragraph, Chief
18 Flynn stated that you attempted to intercede
19 in an internal investigation on behalf of the
20 subject, and that's referring to Sgrignuoli,
21 right?
22 **A Yes.**
23 Q So he's accusing you of doing something to
24 intervene in the investigation of Sgrignuoli.
25 Do you understand that?

Page 76

1 **A Yes.**
2 Q And that was what you told him was what you
3 thought was an abuse of police powers, or was
4 that something different?
5 **A No. I never intervened on Sgrignuoli's**
6 **behalf. I intervened on my behalf.**
7 Q In what way?
8 **A I said "Stop surveilling me."**
9 Q Do you know why he made this statement about
10 you attempting to intervene on Sgrignuoli's
11 behalf?
12 **A I think he was -- what's the right word --**
13 **lying.**
14 Q Do you have any knowledge about why he would
15 lie about that?
16 **A I think -- No, I don't.**
17 MR. RETTKO: I'm going to object.
18 It requires speculation on her behalf.
19 BY MS. HEINS:
20 Q I'm asking if you have any knowledge.
21 **A No.**
22 Q In your experience working with Chief Flynn,
23 is he an honest person?
24 **A In my opinion, he is not.**
25 Q And this statement in particular you think was

Page 77

1 not honest on his part?
2 **A Correct.**
3 Q Did the commission itself or -- Did the
4 commission ever investigate anything relating
5 to the department using surveillance against
6 you?
7 **A I recall the chair coming out pretty strongly**
8 **indicating that it would be investigated. I**
9 **do know that the whole shoot and caboodle was**
10 **sent to the district attorney.**
11 Q What do you mean?
12 **A The idea that a file was leaked and that the**
13 **investigation remained open and the fact that**
14 **I had been surveilled was sent to the district**
15 **attorney for review.**
16 Q For what purpose, do you know?
17 **A Misappropriation of resources.**
18 Q What did the district attorney have the power
19 to do if he had found that there had been a
20 misuse of resources?
21 **A I'm not sure because I'm not the one that**
22 **referred it.**
23 Q Who did refer it?
24 **A Chief Morales.**
25 Q And did he ever say why he referred it to the

Page 78

1 DA?

2 **A No. He didn't really elaborate.**

3 Q Do you have any understanding of why he would

4 refer it to the DA?

5 **A I think there was some questions about the**

6 **file being leaked and parts of the file being**

7 **missing, and there was the issue of a flash**

8 **drive that wasn't in the file.**

9 Q What file are we talking about?

10 **A The Internal.**

11 Q Internal Affairs' file?

12 **A Yes.**

13 Q And this is the Internal Affairs' file

14 governing what?

15 **A The investigation into Sgrignuoli where they**

16 **also surveilled me.**

17 Q And what was the issue of a flash drive being

18 missing?

19 **A I don't know. I just remember hearing that a**

20 **flash drive was missing, and I don't even know**

21 **if that's true.**

22 Q Well, the district attorney is the person who

23 decides whether to bring criminal charges,

24 right?

25 **A Correct.**

Page 79

1 Q So if the district attorney received that

2 referral from the chief of police, as you

3 mentioned, it would be his job to decide

4 whether anybody should be charged criminally

5 in any aspect of that investigation, right?

6 **A Yeah.**

7 Q Are you aware whether anyone was charged

8 criminally?

9 **A I am not aware, no.**

10 Q Do you know if the DA's review is still

11 ongoing?

12 **A I do not know.**

13 Q Have you ever been charged criminally?

14 **A No.**

15 Q Do you know if Captain Sgrignuoli was charged

16 criminally with anything?

17 **A I'm unaware that he has been. And I don't**

18 **think it was referred to evaluate criminality**

19 **of my conduct or Captain Sgrignuoli's conduct.**

20 **I think it was Chief Flynn's. Actually, I**

21 **know that it was Chief Flynn's.**

22 Q In ordering the surveillance or in some

23 other --

24 **A Just the whole -- All parts of that**

25 **investigation that I don't really know**

Page 80

1 **anything about.**

2 Q Do you think that had anything to do with

3 Chief Flynn's resignation from the department?

4 **A I would just be speculating.**

5 Q Well, what's your opinion? Do you think it

6 was?

7 **A I can't say. I don't have reason to**

8 **disbelieve that he wanted to leave after 10**

9 **years, so --**

10 Q Aside from evaluating whether to issue

11 criminal charges, would there be any other

12 outcome that could come from the district

13 attorney's office if it were referred to him?

14 **A No. Just an investigation.**

15 Q Let's take a look at Exhibit 9 to your

16 deposition. Can you tell me what Exhibit 9

17 is?

18 **A It's my resignation letter.**

19 Q Why did you resign from the Fire & Police

20 Commission effective April 23rd, 2018?

21 **A I received -- Well, the mayor's chief of staff**

22 **resigned or retired about a week previous to**

23 **this, and so there was a new chief of staff,**

24 **and he called me on the Friday before the**

25 **Monday and said, "The mayor wants to take the**

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1 **commission in a different direction. We would**

2 **ask that you tender your resignation," so I**

3 **did.**

4 Q Had you ever worked with Paul Vornholt before?

5 **A No.**

6 Q You mentioned he was the new chief of staff?

7 **A Correct.**

8 Q Who was the old chief -- the old outgoing

9 chief of staff?

10 **A Patrick Curley.**

11 Q Do you know if Patrick Curley had any issues

12 with you as executive director of the Fire &

13 Police Commission?

14 **A I believe he did not.**

15 MS. HEINS: All right. Why don't we

16 take a quick break and I'll see if I have

17 anything more.

18 THE WITNESS: Okay.

19 (Off the record. Recess taken.)

20 BY MS. HEINS:

21 Q I just have a few additional follow-ups. We

22 talked about the meetings that you describe in

23 the spring of 2017 that involved the mayor and

24 the chief and the other people, right?

25 **A The mayor -- The mayor's chief of staff. Not**

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<p>1 the mayor.</p> <p>2 Q Did you ever meet directly with the mayor</p> <p>3 about the investigation that was being done</p> <p>4 that they were saying you were a part of?</p> <p>5 A Yes. I had several meetings with the chief of</p> <p>6 staff one on one, but then I also had a</p> <p>7 meeting or two with the mayor and his chief of</p> <p>8 staff.</p> <p>9 Q Can you describe, at least in general terms,</p> <p>10 what their reaction was to hearing from you</p> <p>11 that you had been surveilled by the</p> <p>12 department?</p> <p>13 A They acted with disbelief and that the mayor</p> <p>14 was going to reach out to the chief and say</p> <p>15 "If this is going on, it has to stop."</p> <p>16 Q So at least to your interactions with the</p> <p>17 mayor and his staff, they seemed to not</p> <p>18 support having you surveilled?</p> <p>19 A Correct.</p> <p>20 Q And that they were going to do -- to at least</p> <p>21 speak to Chief Flynn to make that stop?</p> <p>22 A Correct.</p> <p>23 Q Do you know whether they actually did reach</p> <p>24 out to the chief?</p> <p>25 A I don't know when they would have, but they</p>	<p>1 A No. I mean, I have speculation, but I don't</p> <p>2 really have an opinion.</p> <p>3 Q Did you think it was some of the chief's doing</p> <p>4 that the file remained open?</p> <p>5 A Yes.</p> <p>6 Q And by that I mean Chief Flynn?</p> <p>7 A Yes.</p> <p>8 Q And how long after Chief Flynn left the</p> <p>9 department was it before Chief Morales assumed</p> <p>10 the helm officially as police chief?</p> <p>11 A There is definitely an answer for that in the</p> <p>12 Fire & Police Commission website, but I</p> <p>13 believe it was maybe a week or two.</p> <p>14 Q So it was pretty close in time?</p> <p>15 A Yeah. It was within a week or two, but I just</p> <p>16 don't recall.</p> <p>17 Q And what's your understanding as to how soon</p> <p>18 Chief Morales closed that investigation after</p> <p>19 he became chief?</p> <p>20 A I think within the first week of him becoming</p> <p>21 chief.</p> <p>22 Q And how did you find out about that?</p> <p>23 A Because he told me.</p> <p>24 Q What did he tell you?</p> <p>25 A He told me that -- Well, actually, he just</p>
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<p>1 represented to me that they both had.</p> <p>2 Q They both had asked the police chief to knock</p> <p>3 off surveilling you?</p> <p>4 A Yes.</p> <p>5 Q You mentioned that you had viewed the public</p> <p>6 records file on the investigation, and you</p> <p>7 mentioned that the file was not closed until</p> <p>8 Morales became the chief. What was it about</p> <p>9 the file that you discovered had not been</p> <p>10 closed until he became chief?</p> <p>11 A It was still considered open and pending in</p> <p>12 the department's Internal Affairs Division.</p> <p>13 Q And that included the surveillance of you,</p> <p>14 that investigation?</p> <p>15 A Yes.</p> <p>16 Q And at the time that you saw that it was still</p> <p>17 open, had Sgrignuoli already been disciplined?</p> <p>18 A Yes.</p> <p>19 Q So in your mind, at least, was there any</p> <p>20 reason for that file to have remained open?</p> <p>21 A No. Correct. No, there was no reason for it</p> <p>22 to have remained open.</p> <p>23 Q And did you have any opinion about why the</p> <p>24 file was still open until Chief Morales closed</p> <p>25 it?</p>	<p>1 said he was pulled aside by Inspector Gordon,</p> <p>2 who said that many of the files at IAD were a</p> <p>3 mess and many public records requests were a</p> <p>4 mess, including this one for the IAD file that</p> <p>5 we're talking about, and that --</p> <p>6 And so they tried to get on top of the</p> <p>7 public records issues and closed the IAD files</p> <p>8 that needed to be closed. And they were</p> <p>9 really telling me this in my capacity as</p> <p>10 executive director because it wasn't specific</p> <p>11 to mine. It was a group of complaints.</p> <p>12 Q And so Morales became chief while you were</p> <p>13 still executive director of the Fire & Police</p> <p>14 Commission?</p> <p>15 A Correct.</p> <p>16 Q Going back a little further in our discussion,</p> <p>17 you mentioned that when you looked through</p> <p>18 Ms. Lewandowski's complaint there was a case</p> <p>19 mentioned in her complaint that you knew the</p> <p>20 outcome from your work with the Fire & Police</p> <p>21 Commission. Is that correct?</p> <p>22 A I knew the outcome from having been in the</p> <p>23 city attorney's office.</p> <p>24 Q And what case in particular was that, do you</p> <p>25 remember?</p>

<p style="text-align: right;">Page 86</p> <p>1 A I believe it was Culver.</p> <p>2 Q And what do you recall the outcome having been</p> <p>3 of the Culver case?</p> <p>4 A I did not work on it, so I don't even recall</p> <p>5 the allegations; but there was something where</p> <p>6 the prosecution's case wasn't very strong</p> <p>7 because the witnesses weren't called and</p> <p>8 neither was the officer.</p> <p>9 Q And when you say "they weren't called," what</p> <p>10 do you mean?</p> <p>11 A They were not called to testify at the 62.50</p> <p>12 hearing, and so the board felt that the</p> <p>13 allegations lacked proof.</p> <p>14 Q I'm seeing if I can find the case you're</p> <p>15 referring to here. I'm just going to show you</p> <p>16 this. This is my copy of the Amended</p> <p>17 Complaint, ECF Document 47. I'm looking on</p> <p>18 page four, paragraph 18. Can you tell me if</p> <p>19 that's the paragraph you were referring to?</p> <p>20 A Yes.</p> <p>21 Q And so the last sentence of paragraph 18</p> <p>22 indicating, "He was never criminally charged."</p> <p>23 To your understanding, that is a correct</p> <p>24 statement?</p> <p>25 A I don't know if he was criminally charged,</p>	<p style="text-align: right;">Page 88</p> <p>1 MS. HEINS: I don't have anything</p> <p>2 further.</p> <p>3 MR. PEDERSON: I have nothing.</p> <p>4 (Deposition concluded at 12:30âp.m.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 87</p> <p>1 frankly. I just -- I know that the chief</p> <p>2 fired him and the board overturned, so</p> <p>3 that's -- I disagree that that is a comparator</p> <p>4 to Ms. Lewandowski.</p> <p>5 Q And why do you disagree?</p> <p>6 A Because in her case the board felt differently</p> <p>7 and sustained the termination.</p> <p>8 Q But setting aside the board, looking just at</p> <p>9 the conduct, do you have any issue with</p> <p>10 Culver's conduct being compared to</p> <p>11 Lewandowski's conduct?</p> <p>12 A Well, not to wordsmith, but Chief Flynn was</p> <p>13 consistent with both of them in terminating,</p> <p>14 in discharging. And a panel board made up of</p> <p>15 different commissioners, with a different city</p> <p>16 attorney prosecuting than in Ms. Lewandowski's</p> <p>17 case, I think it doesn't show disparate</p> <p>18 treatment. But what he did, if have proven to</p> <p>19 be true, yeah, I think is terrible.</p> <p>20 Q But to your memory, at least, whether or not</p> <p>21 Culver was criminally charged, he was never</p> <p>22 criminally convicted of the offense that's in</p> <p>23 the paragraph I read?</p> <p>24 A I don't know if he was charged or convicted.</p> <p>25 I sort of doubt it, but --</p>	<p style="text-align: right;">Page 89</p> <p>1 STATE OF WISCONSIN)</p> <p>2) SS:</p> <p>3 COUNTY OF WAUKESHA)</p> <p>4 I, Beth Zimmermann, a Registered Professional</p> <p>5 Reporter and Wisconsin Notary Public, certify that</p> <p>6 MARYNELL REGAN swore under oath to tell the truth, the</p> <p>7 whole truth, and nothing but the truth, and that I</p> <p>8 stenographically reported and reduced to typewriting</p> <p>9 the deposition.</p> <p>10 I certify that I am neither related to nor an</p> <p>11 employee of any party or attorney to this action, and</p> <p>12 I certify that I have no financial interest in the</p> <p>13 matter.</p> <p>14</p> <p>15 Dated January 24, 2019.</p> <p>16</p> <p>17</p> <p>18</p> <p>19 _____ BETH ZIMMERMANN</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Court Reporter and Notary Public</p> <p>24 My Commission Expires 10/21/2021.</p> <p>25</p>

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